

REMARKS

The Office Action of May 14, 2010 has been reviewed. Independent claims 1 and 10 have been amended to clarify distinguishing features of the present application. No new matter has been added. Claim 2 was previously cancelled. Thus, claims 1 and 3-18 are currently pending. In view of the following remarks, reconsideration and allowance of all of the claims pending in the application are respectfully requested.¹

The Obviousness Rejections Under 35 U.S.C. 103(a) are Improper

Claims 1, 3, 5-7, 10-12, and 14-16

Claims 1, 3, 5-7, 10-12, and 14-16 currently stand rejected under 35 U.S.C. 103 as being allegedly unpatentable over U.S. Patent No. 606,889 to Gregory ("Gregory") in view of U.S. Patent No. Des. 305,190 to Winter et al ("Winter").

Claim 1, as amended, recites a display system comprising "a shelf mount assembly configured to be attached to the shelf assembly to form an integrated shelving unit for removably mounting to one or more wall mounting assemblies through the slotting mechanism, wherein the shelf mount assembly is removable from the shelf assembly and wherein the integrated shelving unit is formed prior to removably mounting to the one or more wall mounting assemblies," (emphasis added).

Gregory also fails to teach *the integrated shelving unit being formed prior to removably mounting to the one or more wall mounting assemblies*. The Office alleges Gregory's "thumbscrew I" is the shelf mount assembly. Thumbscrew I, if it can even be assumed to be

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action of certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, whether it is permissible to combine certain references, assertions as to dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

analogous to a shelf mount assembly as purported by the Office, never forms (and cannot form) an "integrated shelving unit...prior to removably mounting to the one or more wall mounting assemblies," as claimed. If thumbscrew I were to be attached to bracket F prior, then thumbscrew I could not be fitted through the slot of lug J for mounting. In fact, thumbscrew I is only integrated with bracket F *during* mounting. Thus, thumbscrew I is never formed and integrated with bracket F *prior* to mounting as required by the claims.

Winter, which shows a display shelf mounted with a direct mounting attachment, was relied upon by the Office for the alleged teaching of a transparent material and does not cure all the deficiencies of Gregory. First, nothing in Winter teaches or renders obvious the forming of an "integrated shelving unit...prior to removably mounting to the one or more wall mounting assemblies," as expressly recited. Second, Winter is a design patent and does not teach use of a "transparent" material. Applicant submits that the Office's assertion that Winter uses "transparent material" is but mere conjecture.

As a result, the Office has failed to set forth a *prima facie* case of obviousness since it has not been shown that each and every claim limitation is taught, alone or in combination, by the asserted references.

Even assuming, for the sake of argument, that Gregory and Winter teach all the claimed elements, the Office does not present a proper rationale to combine the references to achieve the claimed system and method, and thus has failed to set forth a *prima facie* case of obviousness. Specifically, modifying the primary reference to include the features of the secondary references would not have been obvious because the modification would represent classic impermissible hindsight.

Claim 10 has been amended to recite similar features as recited in claim 1. As discussed above, Gregory is deficient with respect to these features. Winter does not cure or render obvious the deficiencies of Gregory. Thus, claim 10 is also not rendered obvious by the combination of Gregory and Winter.

Claims 3, 5-7, 11-12, and 14-16 depend directly or indirectly from claim 1 or 10. These claims are allowable at least as being dependent from allowable claim 1 or 10.

Claims 8, 9, 17, and 18

Claims 8, 9, 17, and 18 currently stand rejected under 35 U.S.C. 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of U.S. Patent No. 5,165,538 to Peters ("Peters").

Claims 8 and 9 depend indirectly from independent claim 1, and claims 17 and 18 depend indirectly from independent claim 10. For reasons discussed above, the combination of Gregory and Winter is deficient with respect to independent claims 1 and 10. Peters, which the Office cites to show a transparent object supporting portion, does not cure or render obvious the deficiencies of Gregory and Winter. Thus, claims 8, 9, 17, and 18 are neither anticipated nor rendered obvious by the cited references.

Claims 4 and 13

Claims 4 and 13 currently stand rejected under 35 U.S.C. 103 as being allegedly unpatentable over Gregory in view of Winter and further in view of U.S. Patent No. 6,467,745 to Sickels ("Sickels").

Claims 4 and 13 are dependent on claims 1 and 10, respectively. These claims thus incorporate all the elements of claims 1 and 10. As discussed above, the combination of Gregory and Winter fails to teach or suggest all of the elements of claims 1 and 10. Sickels is merely

relied upon by the Examiner for the angular relationship of a support surface and a wall and fails to cure the deficiencies of Gregory and Winter. It follows that claims 4 and 13 are neither anticipated nor rendered obvious by the cited three-way combination of Gregory, Winter, and Sickels.

Accordingly, Applicants respectfully submit that in view of the above amendment and remarks, all of the pending claims are now allowable over the cited references and respectfully request that all of the instant rejections of claims 1 and 3-18 be withdrawn

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all outstanding rejections have been overcome or rendered moot. Further, all pending claims are patentably distinguishable over the prior art of record. Accordingly, Applicants respectfully submit that these claims are in a condition for allowance. Reconsideration and allowance of all claims is respectfully requested.


If the Examiner believes that a telephone conference or interview would advance prosecution of this application in any manner, the undersigned stands ready to conduct such a conference at the convenience of the Examiner.

If there are any fees due which are not enclosed herewith, including any fees required for extension of time under 37 C.F.R. §1.136, please charge such fees to our Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:



George Y. Wang
Registration No. 58,637

Dated: August 16, 2010

Hunton & Williams, L.L.P.
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500 (telephone)
(202) 778-2201 (facsimile)